

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES - GENERAL**

Case No. SACV 08-01036-CJC(ANx)

Date February 22, 2009

Title Lan Plus, Inc. Employee Stock Ownership Plan, et al v. Andy Teng, et al

Present: The Honorable	<b>CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE</b>
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Michelle Urie	Not Reported
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
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None Present	None Present
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**Proceedings:** (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION

The Court, on its own motion, hereby ORDERS plaintiff(s), to show cause in writing no later than March 13, 2009, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by plaintiff(s), the Court will consider the filing of one of the following, as an appropriate response to this OSC, on or before the above date:

- Proof of service of summons and complaint (FRCivP 4)
- Plaintiff(s) filing an Application for Default (FRCivP 55a)
- Plaintiff(s) filing a Notice of Voluntary Dismissal (FRCivP 41(a) or (c))

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 120 days after the filing of the complaint. Fed. R. Civ. P. 4 (m). The Court may dismiss the action prior to the expiration of such time, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is plaintiff's responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiff(s) must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 8.3.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

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